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CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
SANTA ANA

FILED

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

September 2012 Grand Jury

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIK MEDINA MONTES,
JORGE DUARTE PARDO, and
FNU LNU, aka "Sergio,"

Defendants.

No. **SA CR 13-0189**

I N D I C T M E N T

[21 U.S.C. § 846: Conspiracy
To Possess with Intent To
Distribute and To Distribute
Methamphetamine, Heroin, and
Cocaine; 21 U.S.C. §§ 841(a)(1),
(b)(1)(A), (b)(1)(B):
Possession With Intent To
Distribute Methamphetamine,
Heroin, and Cocaine]

The Grand Jury charges:

COUNT ONE

[21 U.S.C. § 846]

A. OBJECTS OF THE CONSPIRACY

Beginning on or about November 20, 2012, and continuing to
on or about September 12, 2013, in Orange County, within the
Central District of California, and elsewhere, defendants ERIK
MEDINA MONTES ("MEDINA"), JORGE DUARTE PARDO ("DUARTE"), FIRST
NAME UNKNOWN ("FNU") LAST NAME UNKNOWN ("LNU"), also known as
"Sergio" ("SERGIO"), and others known and unknown to the Grand
Jury, conspired and agreed with each other to knowingly and

1 intentionally possess with intent to distribute and distribute
2 (a) at least 50 grams, that is, approximately 1,304 grams, of
3 methamphetamine, a Schedule II controlled substance, in
4 violation of 21 U.S.C. §§ 841(a)(1) and (b)(1)(A)(viii); (b) at
5 least 100 grams, that is, approximately 255.4 grams, of a
6 mixture and substance containing a detectable amount of heroin,
7 a Schedule I narcotic controlled substance, in violation of 21
8 U.S.C. §§ 841(a)(1) and (b)(1)(B)(i); and (c) at least 500
9 grams, that is, approximately 3,937 grams, of a mixture and
10 substance containing a detectable amount of cocaine, a Schedule
11 II narcotic controlled substance, in violation of 21 U.S.C.
12 §§ 841(a)(1) and (b)(1)(B)(ii).

13 B. MEANS BY WHICH THE OBJECTS OF THE CONSPIRACY WERE TO BE
14 ACCOMPLISHED

15 The objects of the conspiracy were to be accomplished in
16 substance as follows:

17 1. Defendant SERGIO would negotiate with a prospective
18 buyer who was, in fact, an informant cooperating with federal
19 authorities (the "CI"), to sell methamphetamine, heroin, and
20 cocaine for a certain price, and defendant SERGIO would also
21 arrange to have these controlled substances delivered at a
22 certain location to a driver purportedly working for the CI who
23 was, in fact, an undercover law enforcement official (the "UC").

24 2. Defendant MEDINA would deliver the methamphetamine and
25 heroin, and defendant DUARTE would deliver the cocaine, to the
26 UC at the location previously arranged by defendant SERGIO and
27 the CI.

1 3. Defendants MEDINA and DUARTE would accept payment for
2 the controlled substances they sold to the UC.

3 C. OVERT ACTS

4 In furtherance of the conspiracy and to accomplish the
5 objects of the conspiracy, defendants MEDINA, DUARTE, SERGIO,
6 and others known and unknown to the Grand Jury, committed
7 various overt acts within the Central District of California,
8 and elsewhere, including but not limited to the following:

9 1. On or about November 21, 2012, defendant SERGIO spoke
10 by telephone with the CI about the possibility of defendant
11 SERGIO selling the CI controlled substances in the future.

12 2. On or about April 22, 2013, defendant SERGIO told the
13 CI via telephone that defendant SERGIO would sell the CI one
14 pound of methamphetamine at a price of approximately \$10,000.

15 3. On or about May 7, 2013, defendant SERGIO and the CI
16 arranged by telephone for the delivery of one pound of
17 methamphetamine to the UC the following day.

18 4. On or about May 8, 2013, in Huntington Beach,
19 California, within the Central District of California, defendant
20 MEDINA and another co-conspirator distributed approximately
21 444.8 grams of a mixture of substance containing a detectable
22 amount of methamphetamine to the UC.

23 5. On or about May 8, 2013, during a telephone call,
24 defendant SERGIO agreed with the CI to accept payment for the
25 pound of methamphetamine once the CI had sold the
26 methamphetamine.

27 6. On or about May 28, 2013, defendant SERGIO told the CI
28 during a telephone conversation that defendant SERGIO would send

1 his brother's bank account information to the CI via text
2 message so that the CI could pay defendant SERGIO for the one
3 pound of methamphetamine defendant SERGIO caused to be delivered
4 to the CI on May 8, 2013.

5 7. On or about May 28, 2013, defendant SERGIO sent the CI
6 a text message containing the following information: JPMorgan
7 Chase bank account number ending 5672 and the name "Erik Medina
8 Montes."

9 8. On or about May 28, 2013, via telephone call,
10 defendant SERGIO confirmed that the CI had received defendant
11 SERGIO's text message and told the CI to call defendant SERGIO
12 when the CI deposited payment into the account.

13 9. On or about September 11, 2013, via telephone call,
14 defendant SERGIO agreed to sell the CI approximately two
15 kilograms of methamphetamine, four kilograms of cocaine, and a
16 half-pound of heroin at a total price of approximately \$147,500,
17 and further agreed to deliver the drugs to the CI's driver, that
18 is, the UC, the following day.

19 10. On or about September 12, 2013, defendant MEDINA
20 called the UC to learn the location of the transaction arranged
21 by defendant SERGIO and the CI.

22 11. On or about September 12, 2013, defendant MEDINA,
23 driving a white Honda Accord (California license plate number
24 "5CPM002") (the "Honda"), transported approximately 1,304 grams
25 of methamphetamine (the "methamphetamine") and approximately
26 255.4 grams of a mixture and substance containing a detectable
27 amount of heroin (the "heroin") to the parking lot of a Home
28

1 Depot located at 7100 Warner Avenue in Huntington Beach,
2 California (the "Home Depot").

3 12. On or about September 12, 2013, in the Home Depot
4 parking lot, defendant MEDINA showed the UC one wrapped package
5 containing methamphetamine and one clear package containing the
6 heroin.

7 13. On or about September 12, 2013, defendant DUARTE,
8 driving a white Acura (California license plate number
9 "7BJH085") (the "Acura"), transported approximately 3,937 grams
10 of a mixture and substance containing a detectable amount of
11 cocaine (the "cocaine") to the parking lot of the Home Depot.

12 14. On or about September 12, 2013, in the Home Depot
13 parking lot, defendant DUARTE told defendant MEDINA that he
14 wanted to see the UC's money before he removed the cocaine from
15 the Acura.

COUNT TWO

[21 U.S.C. §§ 841(a)(1), (b)(1)(A)(viii)]

On or about September 12, 2013, in Orange County, within the Central District of California, and elsewhere, defendant ERIK MEDINA MONTES knowingly and intentionally possessed with intent to distribute at least ~~at least~~ 50 grams, that is, approximately 1,304 grams, of methamphetamine, a Schedule II controlled substance.

COUNT THREE

[21 U.S.C. §§ 841(a)(1), (b)(1)(B)(i)]

On or about September 12, 2013, in Orange County, within the Central District of California, and elsewhere, defendant ERIK MEDINA MONTES knowingly and intentionally possessed with intent to distribute at least 100 grams, that is, approximately 255.4 grams, of a mixture and substance containing a detectable amount of heroin, a Schedule I narcotic controlled substance.

COUNT FOUR

[21 U.S.C. §§ 841(a)(1), (b)(1)(B)(ii)]

On or about September 12, 2013, in Orange County, within the Central District of California, and elsewhere, defendant JORGE DUARTE PARDO knowingly and intentionally possessed with intent to distribute at least 500 grams, that is, approximately 3,937 grams, of a mixture and substance containing a detectable amount of cocaine, a Schedule II narcotic controlled substance.

A TRUE BILL


Foreperson

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